

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

JEANETTE AUSTIN
ADC #707628

PETITIONER

VS.

5:05CV00211 SWW/JTR

LARRY NORRIS, Director,
Arkansas Department of Correction

RESPONDENT

ORDER

Petitioner, who is currently confined in the McPherson Unit of the Arkansas Department of Correction (“ADC”), has filed a habeas Petition under 28 U.S.C. § 2254. (Docket entry #1.) Before this matter may proceed, Petitioner must either: (1) pay the \$5.00 filing fee in full; or (2) submit a properly completed Application to Proceed without Prepayment of Fees and Affidavit, including include a calculation sheet that: (a) is prepared and executed by an authorized official at the incarcerating facility; and (b) reflects the deposits *and* monthly balances in the prisoner’s trust account during the six month period immediately preceding the filing of the action.¹ Petitioner is advised that the failure to timely and properly comply with this Order could result in the dismissal of this habeas action, without prejudice, pursuant to Local Rule 5.5(c)(2).²

¹ The Prisoner Trust Fund Calculation Sheet must be prepared and signed by an authorized officer at the incarcerating facility.

² Local Rule 5.5(c)(2) provides that: “It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. **If any communication from the Court to a *pro se* plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice.** Any party proceeding *pro se* shall be expected to be familiar with and follow the Federal Rules of Civil Procedure.” (Emphasis added..)

IT IS THEREFORE ORDERED THAT:

1. Petitioner must, **on or before October 6, 2005**, either (1) pay the \$5.00 filing fee; or (2) file a properly completed Application to Proceed without Prepayment of Fees and Affidavit, including include a calculation sheet that: (a) is prepared and executed by an authorized official at the incarcerating facility; and (b) reflects the deposits *and* monthly balances in the prisoner's trust account during the six month period immediately preceding the filing of the action.

2. The Clerk of the Court is directed to mail Petitioner an Application to Proceed without Prepayment of Fees and Affidavit (form AO-240).

3. Service of the habeas Petition (docket entry #1) is not appropriate at this time.

Dated this 8th day of September, 2005.


UNITED STATES MAGISTRATE JUDGE